

REMARKS

In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

I. Telephone Interview

The Applicant would like to thank Examiner Godbold for granting and conducting a telephone interview on June 18, 2009 in connection with the above-identified application.

During the interview, the Examiner suggested amending the claims to replace the “operable to” language with “active” language. In addition, the Examiner agreed that the outstanding 35 U.S.C. § 112, second paragraph rejection would be overcome if claims 58 and 67 were amended to clarify the “position,” such that “user’s attention is drawn to the position on said text display as a result of the contrast.” Finally, the Examiner agreed that, if the independent claims were amended to clarify that “the output voice message represents the entire text message displayed by the text display unit, and that the voice message is output only when the delay time determined by the delay termination unit has passed after the text message is displayed,” then the referenced prior art would most likely be overcome.

II. Amendments to the Claims

Based on the above-mentioned interview, independent claims 55 and 64 have been amended to overcome the references cited by the Examiner in the outstanding Office Action and claims 58 and 67 have been amended to overcome the 35 U.S.C. § 112, second paragraph

rejection. Further, claims 55-63 have been amended to replace the term “operable to” with active language.

III. 35 U.S.C. § 112, Second Paragraph Rejection

Claims 58 and 67 were rejected under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, claims 58 and 67 were rejected because the claimed “a position ... onto which the user focuses their attention,” is indefinite.

As discussed during the interview and as mentioned above, claim 58 has been amended to recite “a contrast between a color at a position on said display unit and a color of characters in a text message is large, such that the user’s attention is drawn to the position on said text display unit as a result of the contrast.” Claim 67 has been amended in a similar manner. Therefore, as agreed upon during the interview claims 58 and 67 have been drafted specifically to avoid the problems identified by the Examiner and to otherwise comply with the requirements of 35 U.S.C. § 112, second paragraph. Thus, withdrawal of the 35 U.S.C. § 112, second paragraph rejection is respectfully requested.

IV. 35 U.S.C. § 103(a) Rejections

Independent claims 55 and 64 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Baker (U.S. 2004/0190687) and Kivimaki (U.S. 7,174,295). Further, dependent claims 56-63 and 65-72 were rejected under 35 U.S.C. § 103(a) as being unpatentable over various combinations of Baker, Kivimaki, Gasper (U.S. 4,884,972),

Brackett (U.S. 7,151,435), Sturner et al. (U.S. 5,303,327), Kojima et al. (U.S. 5,738,318), and Mills et al. (U.S. 2004/0032935). These rejections are believed clearly inapplicable to amended independent claims 55 and 64 and claims 56-63 and 65-72 that depend therefrom for the following reasons.

Independent claim 55 recites a voice output apparatus including a text display unit that displays a text message, and a delay determination unit that determines a delay time according to a form of the text message. In addition, claim 55 recites that the voice output apparatus includes a voice output unit that outputs a voice message that represents the entire text message displayed by the text display unit, such that the voice message is output only when the determined delay time (determined according to the form of the message) passes after the text message is displayed. Baker and Kivimaki, or any combination thereof, fails to disclose or suggest the above-mentioned distinguishing features as recited in independent claim 55.

Initially, please note that the above-described 35 U.S.C. § 103(a) rejection acknowledges that Baker fails to disclose or suggest determining the delay time and outputting the voice message, as previously recited in claim 55. In light of the above, this rejection relies on Kivimaki for teaching the above-mentioned features which are admittedly lacking from Baker.

However, Kivimaki merely teaches that there is a processor dependent time lapse between the display of the text (see t0 in Fig. 3) and the voice output of a portion of the text (see t1 in Fig. 3), such that the time lapse between display and the voice output of the portion of the text is a result of the time it takes the processor to convert the text to speech (see Fig. 3, where there is no specified delay between t0 and t1, t2 and t3 and t4 and t5, which is the time lapse between text display and voice output; and see col. 4, lines 31-33).

Therefore, as agreed during the interview, Kivimaki teaches that that the time lapse between display and the voice output of the portion of the text is dependent upon the time it takes the processor to convert the text to speech, but fails to disclose or suggest that the voice message is output only when the determined delay time (determined according to the form of the message) passes after the text message is displayed, as recited in claim 55.

Furthermore, as agreed during the interview, Kivimaki merely teaches that the voice output represents a portion of the text, but fails to disclose or suggest that the voice message represents the entire text message displayed by the text display unit, as required by claim 55.

In other words, it is clear that Kivimaki teaches that partial audio and entire text are displayed/output without a predetermined delay, but fails to disclose or suggest (i) displaying an entire text message, (ii) then determining a delay time according to a form of the displayed text message, and (iii) outputting a voice message representing the entire text only after the determined delay time passes, as required by claim 55.

Therefore, because of the above-mentioned distinctions it is believed clear that claim 55 and claims 56-63 that depend therefrom would not have been obvious or result from any combination of Baker and Kivimaki.

Regarding dependent claims 56-63, which were rejected under 35 U.S.C. § 103(a) as being unpatentable over Baker in view of various combinations of Kivimaki, Gasper, Brackett, Sturmer, Kojima, and Mills (secondary references), it is respectfully submitted that these secondary references do not disclose or suggest the above-discussed features of independent claim 55 which are lacking from the Baker and Kivimaki references. Therefore, no obvious combination of Baker with any of the secondary references would result in, or otherwise render

obvious, the invention recited independent claim 55 and the claims that depend therefrom.

Amended independent claim 64 is directed to a method and recites features that correspond to the above-mentioned distinguishing features of independent claim 55. Thus, for the same reasons discussed above, it is respectfully submitted that independent claim 64 and claims 65-72 that depend therefrom are allowable over the referenced prior art.

V. Conclusion

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

The Commissioner is authorized to charge any deficiency or to credit any overpayment associated with this communication to Deposit Account No. 23-0975, with the EXCEPTION of deficiencies in fees for multiple dependent claims in new applications.

Respectfully submitted,

Makoto NISHIZAKI et al.

/Andrew L. Dunlap/

2009.06.30 14:01:24 -04'00'

By: _____
Andrew L. Dunlap
Registration No. 60,554
Attorney for Applicants

ALD/led
Washington, D.C. 20005-1503
Telephone (202) 721-8200
Facsimile (202) 721-8250
June 30, 2009